

Remarks

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 1-35 are pending in the application, with 1, 15, 20, 29, 33, 34 and 35 being the independent claims. By this Amendment, Applicant seeks to amend claims 1, 15, 20, 23, 29, and 33-35. These changes are believed to introduce no new matter, and their entry is respectfully requested.

Based on the above amendment and the following remarks, Applicant respectfully requests that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

Rejections Under 35 U.S.C. § 102

Claim 29 stands rejected under 35 U.S.C. Sec. 102(e) as being anticipated by Ho et al. (U.S. Patent Number 6,717,924). Applicant traverses the rejection because the applied reference fails to disclose, teach, or suggest all of the features of the claimed invention.

For example, the applied reference fails to disclose, teach, or suggest a system including one or more communication devices coordinating transmissions of data packets to function as an access point with respect to one or more mobile stations, the coordinating including determining, at the switch, whether immediately transmitting the packets to the one or more mobile station will cause an interference with other communications to the one or more mobile stations, as recited in claim 29. These features are discussed, for example, in Applicant's specification in paragraphs 00190 - 00201 and are illustrated in FIGs. 23 and 24A.

If a future Office Action rejects claim 1, the Applicant respectfully requests that the Official Action specifically point out in the cited reference a system including one or more communication devices coordinating transmissions of data packets to function as an access point with respect to one or more mobile stations, the coordinating including determining, at the switch, whether immediately transmitting the packets to the one or more mobile station will cause an interference with other communications to the one or more mobile stations.

It is respectfully pointed out that anticipation can only be established by a single prior art reference that discloses each and every element of the claimed invention. RCA Corp. v. Applied Digital Data Systems, Inc., 730 F.2d 1440 (Fed. Cir. 1984). Therefore, since the applied reference fails to teach or suggest each and every element of Applicant's invention, as recited in claim 29, claim 29 is not anticipated by the applied reference, and is therefore allowable.

Rejections Under 35 U.S.C. § 103

Claims 1-2, 4-8, 14-17, 19-21, 23-28, 30-31 and 33-35 stand rejected under 35 U.S.C. Sec. 103(a) as being unpatentable over Ho et al. in view of Wu (U.S. Patent Number 6,836,469). Claims 3, 18, 22, and 32 stand rejected under 35 U.S.C. Sec. 103(a) as being unpatentable over Ho et al., in view of Raith et al. (U.S. Patent Number 5,818,829). Claims 9-10 and 12-13 stand rejected under 35 U.S.C. Sec. 103(a) as being unpatentable over Ho et al., in view of Wu and further in view of Kamel et al. (U.S. Patent Number 6,285,886). Claim 11, stands rejected stand rejected under 35 U.S.C. Sec. 103(a) as being unpatentable over Ho et al., in view of Wu and further in view of Lundy (US Patent Application Number 2003/0112778). Applicant respectfully traverses the rejections of claims 1-28 and 30-35.

To establish a *prima facie* case of obviousness, all of the claimed features must be taught or suggested by the references and there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings, MPEP Section 2142.

Applicant respectfully submits that the various combined teachings of Ho and Wu fail to teach or suggest the claims. In particular, the combination of references fails to teach or suggest a method comprising, *inter alia*, determining within the one or more communication devices whether wirelessly transmitting first and second packets to the first and second mobile stations, respectively will create interference between the first and second packets, as recited in claim 1. Claims 15, 20, 23, and 33-35, recite similar features. These features are discussed, for example, in Applicant's specification in paragraphs 00190 - 00201 and are illustrated in FIGs. 23 and 24A.

For example, the combination of references seems to merely teach, at best, conventional packet switching techniques and technology. The combination of references is completely silent regarding, for example, Applicant's specifically recited technique of determining within the one or more communication devices whether wirelessly transmitting first and second packets to the first and second mobile stations, respectively will create interference between the first and second packets.

Therefore, assuming *arguendo*, that one would be motivated to combine these references in the manner suggested by the Office Action, the claims would not be obvious in view of such combinations. The suggested combinations would not result in the present claims, which recite a method for determining within the one or more

communication devices whether wirelessly transmitting first and second packets to the first and second mobile stations, respectively will create interference between the first and second packets.

In view of the above arguments, it is clear that claims 1, 15, 20, 23, and 33-35 are not rendered obvious to one of ordinary skill in the art at the time of the invention by the suggested combinations. Therefore, claims 1, 15, 20, 23, and 33-35 are allowable under 35 U.S.C. § 103 as being patentable over Ho et al. in view of Wu, either alone or in the alleged combinations with one another.

The Kamel and Lundy references fail to resolve the deficiencies noted above in the applicability of Ho et al. and Wu to the instant invention. Further, claims 2-14, 16-19, 21-22, 24-29, and 30-32 respectively depend from claims 1, 15, 20, 23, and 29 and are therefore also allowable at least for the reasons claims 1, 15, 20, 23, and 29 are allowable and for the specific features recited therein.


Conclusion

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicant believes that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

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